

Senate Bill No. 196

Passed the Senate September 9, 2009

Secretary of the Senate

Passed the Assembly September 1, 2009

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 1255.1, 1255.2, and 1255.25 of the Health and Safety Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

SB 196, Corbett. Emergency medical services.

Under existing law, the State Department of Public Health administers provisions governing the licensure and regulation of health facilities, including hospitals. A violation of these provisions is a crime. Existing law requires any hospital that provides emergency medical services to provide notice of any intended elimination or reduction of emergency services as soon as possible, but not later than 90 days prior to a planned elimination or reduction in services to the department, the local government agency in charge of health services, and specified entities under contract with the hospital to provide the services. Existing law requires a health facility that implements a downgrade or closure to make reasonable efforts to ensure that the community served by the facility is informed.

This bill would, instead, require the notice to be provided 120 days prior to the planned reduction or elimination of the level of emergency medical services, and would require the notice to also be provided to all employees of the hospital. It would also require that the hospital provide public notice of, and hold a minimum of 3 public meetings on, the intended change in a manner that is likely to reach a significant number of residents of the community served by the facility.

The bill would also require that any health facility implementing a downgrade or change hold a minimum of 3 public meetings, as specified, to inform and ensure that the community served by its facility is informed of the downgrade or closure.

Existing law requires, with a certain exception, not less than 30 days prior to closing a general acute care or psychiatric hospital, eliminating a supplemental service, or relocating the provision of a supplemental service to a different campus, the hospital to provide certain notice regarding the proposed closure, elimination,

or relocation to the public and the applicable administering department, in accordance with certain procedures.

This bill would, instead, require the notice regarding the proposed closure, elimination, or relocation to be provided to the public and the applicable administering department, in accordance with certain procedures, 60 days prior to closing a general acute care or psychiatric hospital, eliminating a supplemental service, or relocating the provision of a supplemental service to a different campus.

Because the bill creates a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 1255.1 of the Health and Safety Code is amended to read:

1255.1. (a) Any hospital that provides emergency medical services under Section 1255 shall, as soon as possible, but not later than 120 days prior to a planned reduction or elimination of the level of emergency medical services, provide notice of the intended change to the department, the local government entity in charge of the provision of health services, all employees of the hospital, and all health care service plans or other entities under contract with the hospital to provide services to enrollees of the plan or other entity.

(b) In addition to the notice required by subdivision (a), the hospital shall, within the time limits specified in subdivision (a), provide public notice of and hold public meetings in accordance with Section 1255.2 on the intended change in a manner that is likely to reach a significant number of residents of the community serviced by that facility.

(c) A hospital shall not be subject to this section or Section 1255.2 if the state department does either of the following:

(1) Determines that the use of resources to keep the emergency center open substantially threatens the stability of the hospital as a whole.

(2) Cites the emergency center for unsafe staffing practices.

SEC. 2. Section 1255.2 of the Health and Safety Code is amended to read:

1255.2. A health facility implementing a downgrade or change shall hold a minimum of three public meetings to inform and ensure that the community served by its facility is informed of the downgrade or closure. In addition to public meetings, the facility implementing a downgrade or change shall make reasonable efforts that may include, but not be limited to, advertising the change in terms likely to be understood by a layperson, soliciting media coverage regarding the change, informing patients of the facility of the impending change, and notifying contracting health care service plans as required in Section 1255.1. At the second public meeting the facility shall inform the public of the status of the change. A facility that is also planning a closure or eliminating a supplemental service and is required to provide notice pursuant to Section 1255.25 shall hold the second public meeting as soon after this notice as is practicable.

SEC. 3. Section 1255.25 of the Health and Safety Code is amended to read:

1255.25. (a) (1) Not less than 60 days prior to closing a health facility, as defined in subdivision (a) or (b) of Section 1250, or eliminating a supplemental service, as defined in Section 70067 of Chapter 1 of Division 5 of Title 22 of the California Code of Regulations, the facility shall provide public notice of the proposed closure or elimination of the supplemental service, including a notice posted at the entrance to all affected facilities and a notice to the department and the board of supervisors of the county in which the health facility is located.

(2) Not less than 60 days prior to relocating the provision of supplemental services to a different campus, a health facility, as defined in subdivision (a) or (b) of Section 1250, shall provide public notice of the proposed relocation of supplemental services, including a notice posted at the entrance to all affected facilities and notice to the department and the board of supervisors of the county in which the health facility is located.

(b) The notice required by paragraph (1) or (2) of subdivision (a) shall include all of the following:

(1) A description of the proposed closure, elimination, or relocation. The description shall be limited to publicly available data, including the number of beds eliminated, if any, the probable decrease in the number of personnel, and a summary of any service that is being eliminated, if applicable.

(2) A description of the three nearest available comparable services in the community. If the health facility closing these services serves Medi-Cal or Medicare patients, this health facility shall specify if the providers of the nearest available comparable services serve these patients.

(3) A telephone number and address for each of the following, where interested parties may offer comments:

(A) The health facility.

(B) The parent entity, if any, or contracted company, if any, that acts as the corporate administrator of the health facility.

(C) The chief executive officer.

(c) Notwithstanding subdivisions (a) and (b), this section shall not apply to county facilities subject to Section 1442.5.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2009

Governor